

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION

JASON ADAM JENSEN,

Plaintiff,

v.

CITIBANK, N.A., et al.,

Defendants.

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Case No. 6:22-CV-03140-BCW

**DEFENDANTS CITIBANK, N.A. AND CITIGROUP, INC.’S MEMORANDUM IN  
OPPOSITION TO PLAINTIFF’S MOTION TO STRIKE AND FOR DEFAULT  
JUDGMENT**

Less than two hours after undersigned counsel filed an entry of appearance on behalf of Defendant Citibank, N.A., in this lawsuit (Doc. 68), Plaintiff Jason Adam Jensen (“Jensen”) moved to strike counsel’s entry of appearance and also moved for default judgment against Defendant Citibank, N.A. (Doc. 69). Undersigned counsel subsequently filed an entry of appearance on behalf of Defendant Citigroup, Inc. (Doc. 71). Defendants Citibank, N.A., and Citigroup, Inc. (collectively, the “Citi Defendants”) submit this memorandum in opposition to Jensen’s motions. For the reasons stated below, this Court should deny Jensen’s motions.

Moving to strike an entry of appearance is a practice untethered to procedural practice. It lacks legal basis, and it should be denied.

The motion for default judgment fails because the Citi Defendants have never been served with process. The lack of service is fully discussed in the Citi Defendants’ contemporaneously-filed Memorandum in Support of Motion to Dismiss Under 12(b)(5). That Memorandum is incorporated herein by reference. Additionally, Jensen’s motion for default judgment fails because it is premature. A motion for default judgment under Federal Rule of Civil Procedure 55(b) must

be preceded by an entry of default under Rule 55(a). *Johnson v. Dayton Elec. Mfg. Co.*, 140 F.3d 781, 783 (8th Cir. 1998) (“[E]ntry of default under Rule 55(a) must precede grant of a default judgment under Rule 55(b).”). No such default has been entered in this case.

Accordingly, Jensen’s motion to strike and motion for default judgment should be denied.

Dated: May 3, 2023

Respectfully Submitted,

**BRYAN CAVE LEIGHTON PAISNER LLP**

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*ATTORNEYS FOR DEFENDANT CITIBANK, N.A. AND  
CITIGROUP, INC.*

**CERTIFICATE OF SERVICE**

The undersigned certifies that, on May 3, 2023, the foregoing was served on all counsel of record via this Court’s electronic filing system.

/s/ Benjamin A. Ford